

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

4

HOUSE BILL 1053*
Committee Substitute Favorable 6/4/20
Senate Commerce and Insurance Committee Substitute Adopted 6/18/20
Fourth Edition Engrossed 6/22/20

Short Title: PED/Military OL & Audiology Interstate Compct.

(Public)

Sponsors:

Referred to:

April 30, 2020

A BILL TO BE ENTITLED

AN ACT TO EXPEDITE OCCUPATIONAL LICENSURE FOR MILITARY SPOUSES; TO PUBLICIZE LICENSURE INFORMATION; TO REPORT DATA REGARDING APPLICANTS WHO ARE MILITARY SPOUSES AND APPLICANTS THAT HAVE MILITARY TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE; AND TO ESTABLISH THE INTERSTATE COMPACT FOR THE PRACTICE OF AUDIOLOGY AND SPEECH PATHOLOGY.

The General Assembly of North Carolina enacts:

PART I. MILITARY SPOUSE OCCUPATIONAL LICENSURE

SECTION 1. G.S. 93B-15.1 reads as rewritten:

"§ 93B-15.1. Licensure for individuals with military training and experience; proficiency examination; licensure by endorsement for military spouses; temporary license.

(a) Except as provided by subsection (a2) of this section, and notwithstanding any other provision of law, an occupational licensing board, or State agency licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this State if, upon application to an occupational licensing ~~board, board~~ or State agency licensing board, the military-trained applicant satisfies the following conditions:

- (1) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board or State agency licensing board from which the applicant is seeking licensure, certification, or registration in this State: completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty.
- (2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the occupational licensing board or State agency licensing board in this State for at least two of the five years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that



* H 1 0 5 3 - V - 4 *

- 1 occupation in this State at the time the act was committed and has no pending
2 complaints.
- 3 (4) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable
4 to applications submitted on or after that date.
- 5 (a1) No later than ~~30~~15 days following receipt of an ~~application,~~application from a
6 military-trained applicant, an occupational licensing board or State agency licensing board shall
7 either issue a license, certification, or registration or notify an applicant when the applicant's
8 military training or experience does not satisfy the requirements for licensure, certification, or
9 registration and shall specify the criteria or requirements that the board determined that the
10 applicant failed to meet and the basis for that determination. If a military-trained applicant has a
11 pending complaint under subdivision (3) of subsection (a) of this section, an occupational
12 licensing board or State agency licensing board shall notify the applicant no later than 15 days
13 following the board receiving written notice of the disposition of the pending complaint.
- 14 (a2) An occupational licensing ~~board,~~board or State agency licensing board, as defined in
15 G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to
16 allow the applicant to lawfully practice the applicant's occupation in this State if the
17 military-trained applicant, upon application to the occupational licensing ~~board;~~board or State
18 agency licensing board, satisfies the following conditions:
- 19 (1) Presents official, notarized documentation, such as a U.S. Department of
20 Defense Form 214 (DD-214), or similar substantiation, attesting to the
21 applicant's military occupational specialty certification and experience in an
22 occupational field within the board's purview; and
- 23 (2) Passes a proficiency examination offered by the board to military-trained
24 applicants in lieu of satisfying the conditions set forth in subsection (a) of this
25 section; however, if an applicant fails the proficiency examination, then the
26 applicant may be required by the board to satisfy those conditions.
- 27 In any case where a proficiency examination is not offered routinely by an occupational licensing
28 ~~board,~~board or State agency licensing board, the board shall design a fair proficiency
29 examination for military-trained applicants to obtain licensure, certification, or registration under
30 this section. If a proficiency examination is offered routinely by an occupational licensing ~~board,~~
31 board or State agency licensing board, that examination shall satisfy the requirements of this
32 section.
- 33 (b) Notwithstanding any other provision of law, an occupational licensing ~~board,~~board
34 or State agency licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or
35 registration to a military spouse to allow the military spouse to lawfully practice the military
36 spouse's occupation in this State if, upon application to an occupational licensing ~~board,~~board
37 or State agency licensing board, the military spouse satisfies the following conditions:
- 38 (1) Holds a current license, certification, or registration from another jurisdiction,
39 and that jurisdiction's requirements for licensure, certification, or registration
40 are substantially equivalent to or exceed the requirements for licensure,
41 certification, or registration of the occupational licensing board or State
42 agency licensing board for which the applicant is seeking licensure,
43 certification, or registration in this State.
- 44 (2) Can demonstrate competency in the occupation through methods as
45 determined by the Board, such as having completed continuing education
46 units or having had recent experience for at least two of the five years
47 preceding the date of the application under this section.
- 48 (3) Has not committed any act in any jurisdiction that would have constituted
49 grounds for refusal, suspension, or revocation of a license to practice that
50 occupation in this State at the time the act was committed.

1 (4) Is in good standing; has not been disciplined by the agency that had
2 jurisdiction to issue the license, certification, or permit; and has no pending
3 complaints.

4 (5) Repealed by Session Laws 2017-28, s. 3, effective July 1, 2017, and applicable
5 to applications submitted on or after that date.

6 (b1) No later than 15 days following receipt of an application from a military spouse, an
7 occupational licensing board or State agency licensing board shall either issue a license,
8 certification, or registration or notify an applicant when the applicant's training or experience
9 does not satisfy the requirements for licensure, certification, or registration and specify the
10 criteria or requirements that the board determined that the applicant failed to meet and the basis
11 for that determination. If an applicant who is a military spouse has a pending complaint under
12 subdivision (4) of subsection (b) of this section, an occupational licensing board or State agency
13 licensing board shall notify the applicant no later than 15 days following the board receiving
14 written notice of the disposition of the pending complaint.

15 (c) All relevant experience of a military service member in the discharge of official duties
16 or, for a military spouse, all relevant experience, including full-time and part-time experience,
17 regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years
18 of practice in an occupation as required under subsection (a) or (b) of this section.

19 (c1) Each occupational licensing board or State agency licensing board shall publish ~~a~~on
20 its Web site all of the following:

21 (1) A document that lists the specific criteria or requirements for licensure,
22 registration, or certification by the board, with a description of the criteria or
23 requirements that are satisfied by military training or experience as provided
24 in this section, and any necessary documentation needed for obtaining the
25 credit or satisfying the requirement. ~~The information required by this~~
26 ~~subsection shall be published on the occupational licensing board's Web site~~
27 ~~and the Web site of the Department of Military and Veterans Affairs.~~

28 (2) A document that includes a summary of the opportunities available to veterans
29 and military spouses under this section.

30 (c2) The Secretary of the Department of Military and Veterans Affairs shall publish on the
31 Department's Web site the information required under subsection (c1) of this section.

32 (d) A nonresident licensed, certified, or registered under this section shall be entitled to
33 the same rights and subject to the same obligations as required of a resident licensed, certified,
34 or registered by an occupational licensing board or State agency licensing board in this State.

35 (e) Nothing in this section shall be construed to apply to the practice of law as regulated
36 under Chapter 84 of the General Statutes.

37 (f) An occupational licensing board or State agency licensing board shall issue a
38 temporary practice permit to a military-trained applicant or military spouse licensed, certified, or
39 registered in another jurisdiction while the military-trained applicant or military spouse is
40 satisfying the requirements for licensure under subsection (a) or (b) of this section no later than
41 15 days following receipt of an application, if that jurisdiction has licensure, certification, or
42 registration standards substantially equivalent to the standards for licensure, certification, or
43 registration of an ~~occupation~~ occupational licensing board or State agency licensing board in this
44 State. The temporary practice permit shall be issued using the same information as provided by
45 the applicant in the licensure application and remain valid for the later of one year or the required
46 renewal date for the occupation the temporary practice permit was issued for or until a license,
47 certification, or registration is granted by the occupational licensing board ~~board~~ or State agency
48 licensing board. A temporary practice permit may be denied or revoked for a pending complaint
49 after notice is provided to the military-trained applicant or military spouse as set forth under
50 subsection (a1) or (b1) of this section.

1 (g) An occupational licensing board or State agency licensing board may adopt rules
2 necessary to implement this section.

3 (h) Nothing in this section shall be construed to prohibit a military-trained applicant or
4 military spouse from proceeding under the existing licensure, certification, or registration
5 requirements established by an occupational licensing board or State agency licensing board in
6 this State.

7 (i) ~~For the purposes of this section, the State Board of Education shall be considered an~~
8 ~~occupational licensing board when issuing teacher licenses under Article 17E of Subchapter V~~
9 ~~of Chapter 115C of the General Statutes.~~ In addition to the provisions for licensure provided by
10 this section, a local board of education may request a three-year limited license for a military
11 spouse who holds a current teaching license in another jurisdiction pursuant to
12 G.S. 115C-270.20(a)(4a). The State Board of Education shall report the information specified in
13 G.S. 93B-2(a)(9c) and (9d) in accordance with G.S. 93B-2.

14 (j) For the purposes of this section, the North Carolina Medical Board shall not be
15 considered an occupational licensing board ~~board~~ or State agency licensing board.

16 (k) An occupational licensing board or State agency licensing board shall not charge a
17 military-trained applicant or a military spouse an initial application fee for a license, certification,
18 registration, or temporary practice permit issued pursuant to this section. Nothing in this
19 subsection shall be construed to prohibit an occupational licensing board or State agency
20 licensing board from charging its ordinary fee for a renewal application or prohibit a third party
21 from charging actual costs for a service such as a background check."

22 **SECTION 2.(a)** G.S. 93B-2 reads as rewritten:

23 **"§ 93B-2. Annual reports required; contents; open to inspection; sanction for failure to**
24 **report.**

25 (a) No later than October 31 of each year, each occupational licensing board shall file
26 electronically with the Secretary of State, the Attorney General, and the Joint Legislative
27 Administrative Procedure Oversight Committee an annual report containing all of the following
28 information:

29 ...

30 (9c) The number of applicants with military training, the number granted a license,
31 the number denied a license for any reason, and a summary of the reasons for
32 denial. The information provided in accordance with this subdivision shall not
33 disclose any identifying information of any applicant.

34 (9d) The number of applicants who are military spouses, the number granted a
35 license, the number denied a license for any reason, and a summary of the
36 reasons for denial. The information provided in accordance with this
37 subdivision shall not disclose any identifying information of any applicant.

38 ...

39 (b1) No later than October 31 of each year, each occupational licensing board or State
40 agency licensing board shall file electronically with the Secretary of the Department of Military
41 and Veterans Affairs information collected pursuant to G.S. 93B-2(a)(9c) and (9d).

42 ...

43 (e) No later than October 31 of each year, each State agency licensing board shall file
44 electronically with the Secretary of State, the Attorney General, and the Joint Legislative
45 Administrative Procedure Oversight Committee an annual report containing all of the following
46 information:

47 ...

48 (3) The number of applicants with military training, the number granted a license,
49 the number denied a license for any reason, and a summary of the reasons for
50 denial. The information provided in accordance with this subdivision shall not
51 disclose any identifying information of any applicant.

- 1 (3) Alternative program. – A nondisciplinary monitoring process approved by an
2 audiology or speech-language pathology licensing board to address impaired
3 practitioners.
- 4 (4) Audiologist. – An individual who is licensed by a state to practice audiology.
- 5 (5) Audiology. – The care and services provided by a licensed audiologist as set
6 forth in the member state's statutes and rules.
- 7 (6) Audiology and Speech-Language Pathology Compact Commission. – The
8 national administrative body whose membership consists of all states that
9 have enacted the Compact.
- 10 (7) Audiology and speech-language pathology licensing board. – Unless the
11 context clearly implies otherwise, when used in this Article, "audiology and
12 speech-language pathology licensing board," "audiology licensing board,"
13 "speech-language pathology licensing board," or "licensing board" means the
14 agency of a state that is responsible for the licensing and regulation of
15 audiologists and/or speech-language pathologists.
- 16 (8) Compact privilege. – The authorization granted by a remote state to allow a
17 licensee from another member state to practice as an audiologist or
18 speech-language pathologist in the remote state under its laws and rules. The
19 practice of audiology or speech-language pathology occurs in the member
20 state where the patient/client/student is located at the time of the
21 patient/client/student encounter.
- 22 (9) Current significant investigative information. – Investigative information that
23 a licensing board, after an inquiry or investigation that includes notification
24 and an opportunity for the audiologist or speech-language pathologist to
25 respond, if required by state law, has reason to believe is not groundless and,
26 if proved true, would indicate more than a minor infraction.
- 27 (10) Data system. – A repository of information about licensees, including, but not
28 limited to, continuing education, examination, licensure, investigative,
29 compact privilege, and adverse action.
- 30 (11) Encumbered license. – A license in which an adverse action restricts the
31 practice of audiology or speech-language pathology by the licensee and said
32 adverse action has been reported to the National Practitioners Data Bank
33 (NPDB).
- 34 (12) Executive Committee. – A group of directors elected or appointed to act on
35 behalf of, and within the powers granted to them by, the Commission.
- 36 (13) Home state. – The member state that is the licensee's primary state of
37 residence.
- 38 (14) Impaired practitioner. – Individuals whose professional practice is adversely
39 affected by substance abuse, addiction, or other health-related conditions.
- 40 (15) Licensee. – An individual who currently holds an authorization from the state
41 licensing board to practice as an audiologist or speech-language pathologist.
- 42 (16) Member state. – Member state means a state that has enacted the Compact.
- 43 (17) Privilege to practice. – A legal authorization permitting the practice of
44 audiology or speech-language pathology in a remote state.
- 45 (18) Remote state. – A member state other than the home state where a licensee is
46 exercising or seeking to exercise the compact privilege.
- 47 (19) Rule. – A regulation, principle, or directive promulgated by the Commission
48 that has the force of law.
- 49 (20) Single-state license. – An audiology or speech-language pathology license
50 issued by a member state that authorizes practice only within the issuing state
51 and does not include a privilege to practice in any other member state.

- 1 (21) Speech-language pathologist. – An individual who is licensed by a state to
2 practice speech-language pathology.
- 3 (22) Speech-language pathology. – The care and services provided by a licensed
4 speech-language pathologist as set forth in the member state's statutes and
5 rules.
- 6 (23) State. – Any state, commonwealth, district, or territory of the United States of
7 America that regulates the practice of audiology and speech-language
8 pathology.
- 9 (24) State practice laws. – A member state's laws, rules, and regulations that govern
10 the practice of audiology or speech-language pathology, define the scope of
11 audiology or speech-language pathology practice, and create the methods and
12 grounds for imposing discipline.
- 13 (25) Telehealth. – The application of telecommunication technology to deliver
14 audiology or speech-language pathology services at a distance for assessment,
15 intervention, and/or consultation.

16 **§ 90-308.3 State participation in the Compact.**

17 (a) A license issued to an audiologist or speech-language pathologist by a home state to
18 a resident in that state shall be recognized by each member state as authorizing an audiologist or
19 speech-language pathologist to practice audiology or speech-language pathology, under a
20 privilege to practice, in each member state.

21 (b) A state must implement or utilize procedures for considering the criminal history
22 records of applicants for initial privilege to practice. These procedures shall include the
23 submission of fingerprints or other biometric-based information by applicants for the purpose of
24 obtaining an applicant's criminal history record information from the Federal Bureau of
25 Investigation and the agency responsible for retaining that state's criminal records.

26 (1) A member state must fully implement a criminal background check
27 requirement, within a time frame established by rule, by receiving the results
28 of the Federal Bureau of Investigation record search on criminal background
29 checks and use the results in making licensure decisions.

30 (2) Communication between a member state, the Commission, and among
31 member states regarding the verification of eligibility for licensure through
32 the Compact shall not include any information received from the Federal
33 Bureau of Investigation relating to a federal criminal records check performed
34 by a member state under P.L. 92-544.

35 (c) Upon application for a privilege to practice, the licensing board in the issuing remote
36 state shall ascertain, through the data system, whether the applicant has ever held, or is the holder
37 of, a license issued by any other state, whether there are any encumbrances on any license or
38 privilege to practice held by the applicant, whether any adverse action has been taken against any
39 license or privilege to practice held by the applicant.

40 (d) Each member state shall require an applicant to obtain or retain a license in the home
41 state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all
42 other applicable state laws.

43 (1) For an audiologist:

44 a. Must meet one of the following educational requirements:

- 45 1. On or before December 31, 2007, has graduated with a master's
46 degree or doctorate in audiology, or equivalent degree
47 regardless of degree name, from a program that is accredited
48 by an accrediting agency recognized by the Council for Higher
49 Education Accreditation, or its successor, or by the United
50 States Department of Education and operated by a college or

- 1 university accredited by a regional or national accrediting
2 organization recognized by the board.
- 3 2. On or after January 1, 2008, has graduated with a doctoral
4 degree in audiology, or equivalent degree, regardless of degree
5 name, from a program that is accredited by an accrediting
6 agency recognized by the Council for Higher Education
7 Accreditation, or its successor, or by the United States
8 Department of Education and operated by a college or
9 university accredited by a regional or national accrediting
10 organization recognized by the board.
- 11 3. Has graduated from an audiology program that is housed in an
12 institution of higher education outside of the United States (i)
13 for which the program and institution have been approved by
14 the authorized accrediting body in the applicable country and
15 (ii) the degree program has been verified by an independent
16 credentials review agency to be comparable to a state licensing
17 board-approved program.
- 18 b. Has completed a supervised clinical practicum experience from an
19 accredited educational institution or its cooperating programs as
20 required by the board.
- 21 c. Has successfully passed a national examination approved by the
22 Commission.
- 23 d. Holds an active, unencumbered license.
- 24 e. Has not been convicted or found guilty, and has not entered an agreed
25 disposition, of a felony related to the practice of audiology, under
26 applicable state or federal criminal law.
- 27 f. Has a valid United States social security or National Practitioner
28 Identification number.
- 29 (2) For a speech-language pathologist:
- 30 a. Must meet one of the following educational requirements:
- 31 1. Has graduated with a master's degree from a speech-language
32 pathology program that is accredited by an organization
33 recognized by the United States Department of Education and
34 operated by a college or university accredited by a regional or
35 national accrediting organization recognized by the board.
- 36 2. Has graduated from a speech-language pathology program that
37 is housed in an institution of higher education outside of the
38 United States (i) for which the program and institution have
39 been approved by the authorized accrediting body in the
40 applicable country and (ii) the degree program has been
41 verified by an independent credentials review agency to be
42 comparable to a state licensing board-approved program.
- 43 b. Has completed a supervised clinical practicum experience from an
44 educational institution or its cooperating programs as required by the
45 Commission.
- 46 c. Has completed a supervised postgraduate professional experience as
47 required by the Commission.
- 48 d. Has successfully passed a national examination approved by the
49 Commission.
- 50 e. Holds an active, unencumbered license.

1 f. Has not been convicted or found guilty, and has not entered an agreed
2 disposition, of a felony related to the practice of speech-language
3 pathology, under applicable state or federal criminal law.

4 g. Has a valid United States social security or National Practitioner
5 Identification number.

6 (3) The privilege to practice is derived from the home state license.

7 (4) An audiologist or speech-language pathologist practicing in a member state
8 must comply with the state practice laws of the state in which the client is
9 located at the time service is provided. The practice of audiology and
10 speech-language pathology shall include all audiology and speech-language
11 pathology practice as defined by the state practice laws of the member state in
12 which the client is located. The practice of audiology and speech-language
13 pathology in a member state under a privilege to practice shall subject an
14 audiologist or speech-language pathologist to the jurisdiction of the licensing
15 board, the courts, and the laws of the member state in which the client is
16 located at the time service is provided.

17 (5) Individuals not residing in a member state shall continue to be able to apply
18 for a member state's single-state license as provided under the laws of each
19 member state. However, the single-state license granted to these individuals
20 shall not be recognized as granting the privilege to practice audiology or
21 speech-language pathology in any other member state. Nothing in this
22 Compact shall affect the requirements established by a member state for the
23 issuance of a single-state license.

24 (6) Member states may charge a fee for granting a compact privilege.

25 (7) Member states must comply with the bylaws and rules and regulations of the
26 Commission.

27 **"§ 90-308.4. Compact privilege.**

28 (a) To exercise the compact privilege under the terms and provisions of the Compact, the
29 audiologist or speech-language pathologist shall meet all of the following:

30 (1) Hold an active license in the home state.

31 (2) Have no encumbrance on any state license.

32 (3) Be eligible for a compact privilege in any member state in accordance with
33 G.S. 90-308.3.

34 (4) Have not had any adverse action against any license or compact privilege
35 within the previous two years from date of application.

36 (5) Notify the Commission that the licensee is seeking the compact privilege
37 within a remote state(s).

38 (6) Pay any applicable fees, including any state fee, for the compact privilege.

39 (7) Report to the Commission adverse action taken by any nonmember state
40 within 30 days from the date the adverse action is taken.

41 (b) For the purposes of the compact privilege, an audiologist or speech-language
42 pathologist shall only hold one home state license at a time.

43 (c) Except as provided in G.S. 90-308.6, if an audiologist or speech-language pathologist
44 changes primary state of residence by moving between two member states, the audiologist or
45 speech-language pathologist must apply for licensure in the new home state, and the license
46 issued by the prior home state shall be deactivated in accordance with applicable rules adopted
47 by the Commission.

48 (d) The audiologist or speech-language pathologist may apply for licensure in advance
49 of a change in primary state of residence.

50 (e) A license shall not be issued by the new home state until the audiologist or
51 speech-language pathologist provides satisfactory evidence of a change in primary state of

1 residence to the new home state and satisfies all applicable requirements to obtain a license from
2 the new home state.

3 (f) If an audiologist or speech-language pathologist changes primary state of residence
4 by moving from a member state to a nonmember state, the license issued by the prior home state
5 shall convert to a single-state license, valid only in the former home state.

6 (g) The compact privilege is valid until the expiration date of the home state license. The
7 licensee must comply with the requirements of subsection (a) of this section to maintain the
8 compact privilege in the remote state.

9 (h) A licensee providing audiology or speech-language pathology services in a remote
10 state under the compact privilege shall function within the laws and regulations of the remote
11 state.

12 (i) A licensee providing audiology or speech-language pathology services in a remote
13 state is subject to that state's regulatory authority. A remote state may, in accordance with due
14 process and that state's laws, remove a licensee's compact privilege in the remote state for a
15 specific period, impose fines, and/or take any other necessary actions to protect the health and
16 safety of its citizens.

17 (j) If a home state license is encumbered, the licensee shall lose the compact privilege in
18 any remote state until both of the following occur:

19 (1) The home state license is no longer encumbered.

20 (2) Two years have elapsed from the date of the adverse action.

21 (k) Once an encumbered license in the home state is restored to good standing, the
22 licensee must meet the requirements of subsection (a) of this section to obtain a compact privilege
23 in any remote state.

24 (l) Once the requirements of subsection (j) of this section have been met, the licensee
25 must meet the requirements in subsection (a) of this section to obtain a compact privilege in a
26 remote state.

27 **"§ 90-308.5. Compact privilege to practice telehealth.**

28 Member states shall recognize the right of an audiologist or speech-language pathologist,
29 licensed by a home state in accordance with G.S. 90-308.3 and under rules promulgated by the
30 Commission, to practice audiology or speech-language pathology in any member state via
31 telehealth under a privilege to practice as provided in the Compact and rules promulgated by the
32 Commission.

33 **"§ 90-308.6. Active duty military personnel or their spouses.**

34 Active duty military personnel, or their spouses, shall designate a home state where the
35 individual has a current license in good standing. The individual may retain the home state
36 designation during the period the service member is on active duty. Subsequent to designating a
37 home state, the individual shall only change their home state through application for licensure in
38 the new state.

39 **"§ 90-308.7. Adverse actions.**

40 (a) In addition to the other powers conferred by state law, a remote state shall have the
41 authority, in accordance with existing state due process law, to:

42 (1) Take adverse action against an audiologist's or speech-language pathologist's
43 privilege to practice within that member state.

44 (2) Issue subpoenas for both hearings and investigations that require the
45 attendance and testimony of witnesses as well as the production of evidence.
46 Subpoenas issued by a licensing board in a member state for the attendance
47 and testimony of witnesses or the production of evidence from another
48 member state shall be enforced in the latter state by any court of competent
49 jurisdiction, according to the practice and procedure of that court applicable
50 to subpoenas issued in proceedings pending before it. The issuing authority
51 shall pay any witness fees, travel expenses, mileage, and other fees required

- 1 by the service statutes of the state in which the witnesses or evidence are
2 located.
- 3 (3) Only the home state shall have the power to take adverse action against an
4 audiologist's or speech-language pathologist's license issued by the home
5 state.
- 6 (b) For purposes of taking adverse action, the home state shall give the same priority and
7 effect to reported conduct received from a member state as it would if the conduct had occurred
8 within the home state. In so doing, the home state shall apply its own state laws to determine
9 appropriate action.
- 10 (c) The home state shall complete any pending investigations of an audiologist or
11 speech-language pathologist who changes primary state of residence during the investigations.
12 The home state shall also have the authority to take appropriate action(s) and shall promptly
13 report the conclusions of the investigations to the administrator of the data system. The
14 administrator of the coordinated licensure information system shall promptly notify the new
15 home state of any adverse actions.
- 16 (d) If otherwise permitted by state law, recover from the affected audiologist or
17 speech-language pathologist the costs of investigations and disposition of cases resulting from
18 any adverse action taken against that audiologist or speech-language pathologist.
- 19 (e) Take adverse action based on the factual findings of the remote state, provided that
20 the home state follows its own procedures for taking the adverse action.
- 21 (f) Joint Investigations. –
- 22 (1) In addition to the authority granted to a member state by its respective
23 audiology or speech-language pathology practice act or other applicable state
24 law, any member state may participate with other member states in joint
25 investigations of licensees.
- 26 (2) Member states shall share any investigative, litigation, or compliance
27 materials in furtherance of any joint or individual investigation initiated under
28 the Compact.
- 29 (g) If adverse action is taken by the home state against an audiologist's or
30 speech-language pathologist's license, the audiologist's or speech-language pathologist's
31 privilege to practice in all other member states shall be deactivated until all encumbrances have
32 been removed from the state license. All home state disciplinary orders that impose adverse
33 action against an audiologist's or speech-language pathologist's license shall include a statement
34 that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all
35 member states during the pendency of the order.
- 36 (h) If a member state takes adverse action, it shall promptly notify the administrator of
37 the data system. The administrator of the data system shall promptly notify the home state of any
38 adverse actions by remote states.
- 39 (i) Nothing in this Compact shall override a member state's decision that participation in
40 an alternative program may be used in lieu of adverse action.
- 41 **§ 90-308.8. Establishment of the Audiology and the Speech-Language Pathology Compact**
42 **Commission.**
- 43 (a) The Compact member states hereby create and establish a joint public agency known
44 as the Audiology and Speech-Language Pathology Compact Commission:
- 45 (1) The Commission is an instrumentality of the Compact states.
- 46 (2) Venue is proper and judicial proceedings by or against the Commission shall
47 be brought solely and exclusively in a court of competent jurisdiction where
48 the principal office of the Commission is located. The Commission may waive
49 venue and jurisdictional defenses to the extent it adopts or consents to
50 participate in alternative dispute resolution proceedings.

- 1 (3) Nothing in this Compact shall be construed to be a waiver of sovereign
2 immunity.
- 3 (b) Membership, Voting, and Meetings. –
- 4 (1) Each member state shall have two delegates selected by that member state's
5 licensing board. The delegates shall be current members of the licensing
6 board. One shall be an audiologist and one shall be a speech-language
7 pathologist.
- 8 (2) An additional five delegates, who are either a public member or board
9 administrator from a state licensing board, shall be chosen by the Executive
10 Committee from a pool of nominees provided by the Commission at large.
- 11 (3) Any delegate may be removed or suspended from office as provided by the
12 law of the state from which the delegate is appointed.
- 13 (4) The member state board shall fill any vacancy occurring on the Commission,
14 within 90 days.
- 15 (5) Each delegate shall be entitled to one vote about the promulgation of rules and
16 creation of bylaws and shall otherwise have an opportunity to participate in
17 the business and affairs of the Commission.
- 18 (6) A delegate shall vote in person or by other means as provided in the bylaws.
19 The bylaws may provide for delegates' participation in meetings by telephone
20 or other means of communication.
- 21 (7) The Commission shall meet at least once during each calendar year.
22 Additional meetings shall be held as set forth in the bylaws.
- 23 (c) The Commission shall have the following powers and duties:
- 24 (1) Establish the fiscal year of the Commission.
- 25 (2) Establish bylaws.
- 26 (3) Establish a code of ethics.
- 27 (4) Maintain its financial records in accordance with the bylaws.
- 28 (5) Meet and take actions as are consistent with the provisions of this Compact
29 and the bylaws.
- 30 (6) Promulgate uniform rules to facilitate and coordinate implementation and
31 administration of this Compact. The rules shall have the force and effect of
32 law and shall be binding in all member states.
- 33 (7) Bring and prosecute legal proceedings or actions in the name of the
34 Commission, provided that the standing of any state audiology or
35 speech-language pathology licensing board to sue or be sued under applicable
36 law shall not be affected.
- 37 (8) Purchase and maintain insurance and bonds.
- 38 (9) Borrow, accept, or contract for services of personnel, including, but not
39 limited to, employees of a member state.
- 40 (10) Hire employees, elect or appoint officers, fix compensation, define duties,
41 grant individuals' appropriate authority to carry out the purposes of the
42 Compact, and to establish the Commission's personnel policies and programs
43 relating to conflicts of interest, qualifications of personnel, and other related
44 personnel matters.
- 45 (11) Accept any and all appropriate donations and grants of money, equipment,
46 supplies, materials, and services, and to receive, utilize, and dispose of the
47 same; provided that always the Commission shall avoid any appearance of
48 impropriety and/or conflict of interest.
- 49 (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
50 hold, improve, or use, any property, real, personal, or mixed; provided that at
51 all times the Commission shall avoid any appearance of impropriety.

- 1 (13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
2 dispose of any property real, personal, or mixed.
- 3 (14) Establish a budget and make expenditures.
- 4 (15) Borrow money.
- 5 (16) Appoint committees, including standing committees composed of members,
6 and other interested persons as may be designated in this Compact and the
7 bylaws.
- 8 (17) Provide and receive information from, and cooperate with, law enforcement
9 agencies.
- 10 (18) Establish and elect an Executive Committee.
- 11 (19) Perform other functions as may be necessary or appropriate to achieve the
12 purposes of this Compact consistent with the state regulation of audiology and
13 speech-language pathology licensure and practice.
- 14 (d) The Executive Committee. – The Executive Committee shall have the power to act
15 on behalf of the Commission according to the terms of this Compact:
- 16 (1) The Executive Committee shall be composed of 10 members:
- 17 a. Seven voting members who are elected by the Commission from the
18 current membership of the Commission.
- 19 b. Two ex officiosb-19, consisting of one nonvoting member from a
20 recognized national audiology professional association and one
21 nonvoting member from a recognized national speech-language
22 pathology association.
- 23 c. One ex officio, nonvoting member from the recognized membership
24 organization of the audiology and speech-language pathology
25 licensing boards.
- 26 (e) The ex officio members shall be selected by their respective organizations.
- 27 (1) The Commission may remove any member of the Executive Committee as
28 provided in bylaws.
- 29 (2) The Executive Committee shall meet at least annually.
- 30 (3) The Executive Committee shall have the following duties and responsibilities:
- 31 a. Recommend to the entire Commission changes to the rules or bylaws,
32 changes to this Compact legislation, fees paid by Compact member
33 states such as annual dues, and any Commission Compact fee charged
34 to licensees for the compact privilege.
- 35 b. Ensure Compact administration services are appropriately provided,
36 contractual or otherwise.
- 37 c. Prepare and recommend the budget.
- 38 d. Maintain financial records on behalf of the Commission.
- 39 e. Monitor Compact compliance of member states and provide
40 compliance reports to the Commission.
- 41 f. Establish additional committees as necessary.
- 42 g. Other duties as provided in rules or bylaws.
- 43 (f) All meetings shall be open to the public, and public notice of meetings shall be given
44 in the same manner as required under the rule-making provisions in G.S. 90-308.10.
- 45 (g) The Commission or the Executive Committee or other committees of the Commission
46 may convene in a closed, nonpublic meeting if the Commission or Executive Committee or other
47 committees of the Commission must discuss:
- 48 (1) Noncompliance of a member state with its obligations under the Compact.
- 49 (2) The employment, compensation, discipline or other matters, practices or
50 procedures related to specific employees, or other matters related to the
51 Commission's internal personnel practices and procedures.

- 1 (3) Current, threatened, or reasonably anticipated litigation.
- 2 (4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or
- 3 real estate.
- 4 (5) Accusing any person of a crime or formally censuring any person.
- 5 (6) Disclosure of trade secrets or commercial or financial information that is
- 6 privileged or confidential.
- 7 (7) Disclosure of information of a personal nature where disclosure would
- 8 constitute a clearly unwarranted invasion of personal privacy.
- 9 (8) Disclosure of investigative records compiled for law enforcement purposes.
- 10 (9) Disclosure of information related to any investigative reports prepared by or
- 11 on behalf of or for use of the Commission or other committee charged with
- 12 responsibility of investigation or determination of compliance issues pursuant
- 13 to the Compact.
- 14 (10) Matters specifically exempted from disclosure by federal or member state
- 15 statute.

16 (h) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
17 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
18 reference each relevant exempting provision.

19 (i) The Commission shall keep minutes that fully and clearly describe all matters
20 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
21 reasons therefore, including a description of the views expressed. All documents considered in
22 connection with an action shall be identified in minutes. All minutes and documents of a closed
23 meeting shall remain under seal, subject to release by a majority vote of the Commission or order
24 of a court of competent jurisdiction.

25 (j) Financing of the Commission. –

26 (1) The Commission shall pay, or provide for the payment of, the reasonable
27 expenses of its establishment, organization, and ongoing activities.

28 (2) The Commission may accept any and all appropriate revenue sources,
29 donations, and grants of money, equipment, supplies, materials, and services.

30 (3) The Commission may levy on and collect an annual assessment from each
31 member state or impose fees on other parties to cover the cost of the operations
32 and activities of the Commission and its staff, which must be in a total amount
33 sufficient to cover its annual budget as approved each year for which revenue
34 is not provided by other sources. The aggregate annual assessment amount
35 shall be allocated based upon a formula to be determined by the Commission,
36 which shall promulgate a rule binding upon all member states.

37 (k) The Commission shall not incur obligations of any kind prior to securing the funds
38 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
39 states, except by and with the authority of the member state.

40 (l) The Commission shall keep accurate accounts of all receipts and disbursements. The
41 receipts and disbursements of the Commission shall be subject to the audit and accounting
42 procedures established under its bylaws. However, all receipts and disbursements of funds
43 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
44 and the report of the audit shall be included in and become part of the annual report of the
45 Commission.

46 (m) Qualified Immunity, Defense, and Indemnification. –

47 (1) The members, officers, executive director, employees, and representatives of
48 the Commission shall be immune from suit and liability, either personally or
49 in their official capacity, for any claim for damage to or loss of property or
50 personal injury or other civil liability caused by or arising out of any actual or
51 alleged act, error, or omission that occurred, or that the person against whom

1 the claim is made had a reasonable basis for believing occurred within the
2 scope of Commission employment, duties, or responsibilities; provided that
3 nothing in this paragraph shall be construed to protect any person from suit
4 and/or liability for any damage, loss, injury, or liability caused by the
5 intentional or willful or wanton misconduct of that person.

6 (2) The Commission shall defend any member, officer, executive director,
7 employee, or representative of the Commission in any civil action seeking to
8 impose liability arising out of any actual or alleged act, error, or omission that
9 occurred within the scope of Commission employment, duties, or
10 responsibilities, or that the person against whom the claim is made had a
11 reasonable basis for believing occurred within the scope of Commission
12 employment, duties, or responsibilities; provided that nothing herein shall be
13 construed to prohibit that person from retaining his or her own counsel; and
14 provided further, that the actual or alleged act, error, or omission did not result
15 from that person's intentional or willful or wanton misconduct.

16 (3) The Commission shall indemnify and hold harmless any member, officer,
17 executive director, employee, or representative of the Commission for the
18 amount of any settlement or judgment obtained against that person arising out
19 of any actual or alleged act, error, or omission that occurred within the scope
20 of Commission employment, duties, or responsibilities, or that person had a
21 reasonable basis for believing occurred within the scope of Commission
22 employment, duties, or responsibilities; provided that the actual or alleged act,
23 error, or omission did not result from the intentional or willful or wanton
24 misconduct of that person.

25 **"§ 90-308.9. Data system.**

26 (a) The Commission shall provide for the development, maintenance, and utilization of
27 a coordinated database and reporting system containing licensure, adverse action, and
28 investigative information on all licensed individuals in member states.

29 (b) Notwithstanding any other provision of state law to the contrary, a member state shall
30 submit a uniform data set to the data system on all individuals to whom this Compact is applicable
31 as required by the rules of the Commission, including:

32 (1) Identifying information.

33 (2) Licensure data.

34 (3) Adverse actions against a license or compact privilege.

35 (4) Nonconfidential information related to alternative program participation.

36 (5) Any denial of application for licensure, and the reason(s) for denial.

37 (6) Other information that may facilitate the administration of this Compact, as
38 determined by the rules of the Commission.

39 (c) Investigative information pertaining to a licensee in any member state shall only be
40 available to other member states.

41 (d) The Commission shall promptly notify all member states of any adverse action taken
42 against a licensee or an individual applying for a license. Adverse action information pertaining
43 to a licensee in any member state shall be available to any other member state.

44 (e) Member states contributing information to the data system may designate information
45 that may not be shared with the public without the express permission of the contributing state.

46 (f) Any information submitted to the data system that is subsequently required to be
47 expunged by the laws of the member state contributing the information shall be removed from
48 the data system.

49 **"§ 90-308.10. Rule making.**

1 (a) The Commission shall exercise its rule-making powers pursuant to the criteria set
2 forth in this section and the rules adopted thereunder. Rules and amendments shall become
3 binding as of the date specified in each rule or amendment.

4 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of a
5 statute or resolution in the same manner used to adopt the Compact within four years of the date
6 of adoption of the rule, the rule shall have no further force and effect in any member state.

7 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of
8 the Commission.

9 (d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at
10 least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the
11 Commission shall file a Notice of Proposed Rule Making:

12 (1) On the Web site of the Commission or other publicly accessible platform.

13 (2) On the Web site of each member state audiology or speech-language
14 pathology licensing board or other publicly accessible platform or the
15 publication in which each state would otherwise publish proposed rules.

16 (e) The Notice of Proposed Rule Making shall include:

17 (1) The proposed time, date, and location of the meeting in which the rule shall
18 be considered and voted upon.

19 (2) The text of the proposed rule or amendment and the reason for the proposed
20 rule.

21 (3) A request for comments on the proposed rule from any interested person.

22 (4) The manner in which interested persons may submit notice to the Commission
23 of their intention to attend the public hearing and any written comments.

24 (f) Prior to the adoption of a proposed rule, the Commission shall allow persons to submit
25 written data, facts, opinions, and arguments, which shall be made available to the public.

26 (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule
27 or amendment if a hearing is requested by any of the following:

28 (1) At least 25 persons.

29 (2) A state or federal governmental subdivision or agency.

30 (3) An association having at least 25 members.

31 (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish
32 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
33 means, the Commission shall publish the mechanism for access to the electronic hearing.

34 (1) All persons wishing to be heard at the hearing shall notify the executive
35 director of the Commission or other designated member in writing of their
36 desire to appear and testify at the hearing not less than five business days
37 before the scheduled date of the hearing.

38 (2) Hearings shall be conducted in a manner providing each person who wishes
39 to comment a fair and reasonable opportunity to comment orally or in writing.

40 (3) All hearings shall be recorded. A copy of the recording shall be made available
41 on request.

42 (4) Nothing in this section shall be construed as requiring a separate hearing on
43 each rule. Rules may be grouped for the convenience of the Commission at
44 hearings required by this section.

45 (i) Following the scheduled hearing date, or by the close of business on the scheduled
46 hearing date if the hearing was not held, the Commission shall consider all written and oral
47 comments received. If no written notice of intent to attend the public hearing by interested parties
48 is received, the Commission may proceed with promulgation of the proposed rule without a
49 public hearing. The Commission shall, by majority vote of all members, take final action on the
50 proposed rule and shall determine the effective date of the rule, if any, based on the rule-making
51 record and the full text of the rule.

1 (j) Upon determination that an emergency exists, the Commission may consider and
2 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that
3 the usual rule-making procedures provided in the Compact and in this section shall be
4 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days
5 after the effective date of the rule. For the purposes of this provision, an emergency rule is one
6 that must be adopted immediately in order to:

7 (1) Meet an imminent threat to public health, safety, or welfare.

8 (2) Prevent a loss of Commission or member state funds.

9 (3) Meet a deadline for the promulgation of an administrative rule that is
10 established by federal law or rule.

11 (k) The Commission or an authorized committee of the Commission may direct revisions
12 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors
13 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
14 posted on the Web site of the Commission. The revision shall be subject to challenge by any
15 person for a period of 30 days after posting. The revision may be challenged only on grounds
16 that the revision results in a material change to a rule. A challenge shall be made in writing and
17 delivered to the chair of the Commission prior to the end of the notice period. If no challenge is
18 made, the revision shall take effect without further action. If the revision is challenged, the
19 revision may not take effect without the approval of the Commission.

20 **"§ 90-308.11. Oversight, dispute resolution, and enforcement.**

21 (a) Dispute Resolution. – Upon request by a member state, the Commission shall attempt
22 to resolve disputes related to the Compact that arise among member states and between member
23 and nonmember states. The Commission shall promulgate a rule providing for both mediation
24 and binding dispute resolution for disputes as appropriate.

25 (b) Enforcement. – The Commission, in the reasonable exercise of its discretion, shall
26 enforce the provisions and rules of this Compact. By majority vote, the Commission may initiate
27 legal action in the United States District Court for the District of Columbia or the federal district
28 where the Commission has its principal offices against a member state in default to enforce
29 compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief
30 sought may include both injunctive relief and damages. In the event judicial enforcement is
31 necessary, the prevailing member shall be awarded all costs of litigation, including reasonable
32 attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The
33 Commission may pursue any other remedies available under federal or state law.

34 **"§ 90-308.12. Date of implementation of Compact and associated rules, withdrawal, and**
35 **amendment.**

36 (a) The Compact shall come into effect on the date on which the Compact statute is
37 enacted into law in the tenth member state. The provisions, which become effective at that time,
38 shall be limited to the powers granted to the Commission relating to assembly and the
39 promulgation of rules. Thereafter, the Commission shall meet and exercise rule-making powers
40 necessary to the implementation and administration of the Compact.

41 (b) Any state that joins the Compact subsequent to the Commission's initial adoption of
42 the rules shall be subject to the rules as they exist on the date on which the Compact becomes
43 law in that state. Any rule that has been previously adopted by the Commission shall have the
44 full force and effect of law on the day the Compact becomes law in that state.

45 (c) Any member state may withdraw from this Compact by enacting a statute repealing
46 the same.

47 (1) A member state's withdrawal shall not take effect until six months after
48 enactment of the repealing statute.

49 (2) Withdrawal shall not affect the continuing requirement of the withdrawing
50 state's audiology or speech-language pathology licensing board to comply

1 with the investigative and adverse action reporting requirements of this act
2 prior to the effective date of withdrawal.

3 (d) Nothing contained in this Compact shall be construed to invalidate or prevent any
4 audiology or speech-language pathology licensure agreement or other cooperative arrangement
5 between a member state and a nonmember state that does not conflict with the provisions of this
6 Compact.

7 (e) This Compact may be amended by the member states. No amendment to this Compact
8 shall become effective and binding upon any member state until it is enacted into the laws of all
9 member states.

10 **"§ 90-308.13. Construction and severability.**

11 This Compact shall be liberally construed to effectuate the purposes thereof. The provisions
12 of this Compact shall be severable and if any phrase, clause, sentence, or provision of this
13 Compact is declared to be contrary to the constitution of any member state or of the United States
14 or the applicability thereof to any government, agency, person, or circumstance is held invalid,
15 the validity of the remainder of this Compact and the applicability thereof to any government,
16 agency, person, or circumstance shall not be affected thereby. If this Compact shall be held
17 contrary to the constitution of any member state, the Compact shall remain in full force and effect
18 as to the remaining member states and in full force and effect as to the member state affected as
19 to all severable matters.

20 **"§ 90-308.14. Binding effect of Compact on other laws.**

21 (a) Nothing herein prevents the enforcement of any other law of a member state that is
22 not inconsistent with the Compact.

23 (b) All laws in a member state in conflict with the Compact are superseded to the extent
24 of the conflict.

25 (c) All lawful actions of the Commission, including all rules and bylaws promulgated by
26 the Commission, are binding upon the member states.

27 (d) All agreements between the Commission and the member states are binding in
28 accordance with their terms.

29 (e) In the event any provision of the Compact exceeds the constitutional limits imposed
30 on the legislature of any member state, the provision shall be ineffective to the extent of the
31 conflict with the constitutional provision in question in that member state."

32
33 **PART III. EFFECTIVE DATE**

34 **SECTION 4.** Part I of this act becomes effective December 1, 2020, and applies to
35 applications for licensure received on or after that date. Part II of this act becomes effective when
36 at least 10 states have enacted the Interstate Compact for Audiology and Speech Pathology set
37 forth in Section 3 of this act. The North Carolina Board of Examiners for Speech and Language
38 Pathologists and Audiologists shall report to the Revisor of Statutes when the Interstate Compact
39 for Audiology and Speech Pathology set forth in Section 3 of this act has been enacted by the 10
40 member states. Part III of this act is effective when it becomes law.